

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

V.

ALEXANDER WALLS,

Defendant.

CASE NO. CR11-5408RJB

ORDER DENYING MOTION FOR
RECONSIDERATION OF MOTION
TO SUPPRESS AND FOR
SUPPRESSION OF EVIDENCE

This matter comes before the court on the above-referenced motion (Dkt. 129). The court is familiar with the records and files herein and documents filed in support of the motion. No issue has been requested pursuant to Western District of Washington Local Criminal Rule 11).

In response to this motion, the court has carefully read the entire transcript of the suppression hearing held on November 18, 2011, including the court's oral opinion and the exhibits filed at that time. This motion for reconsideration included a copy of the Tacoma Police Department Arrest Report, at Docket No. 130-1, which was referenced at the suppression hearing, but was not at that time placed into evidence. The court has carefully considered that report.

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Though not in evidence at the suppression hearing, the court was then aware that a police report on the arrest of defendant had been filed, but did not mention the matter of advance knowledge of Mr. Irvin's suspended driver's license. Docket Number 130-1, the actual report, confirms what the court was aware of at the time of the suppression hearing.

5 While the fact that the status of Mr. Irvin's license, and the resulting justification for
6 stopping the subject vehicle, was not mentioned in the report certainly raises suspicion about the
7 testimony adduced at the hearing, that the witnesses Berg, Martin and Treat knew about Irvin's
8 suspended license status before the traffic stop and used that knowledge as a basis for the traffic
9 stop. In spite of that suspicion and the less-than-complete report, however, the court believed the
10 testimony of the witnesses Berg, Martin and Treat. After considering the report, the total
11 evidence submitted at the hearing and defendant's additional briefing, the court reaches the same
12 conclusion; that is, that the witnesses Berg, Martin and Treat were truthful and that the traffic
13 stop of the subject vehicle was appropriate and did not violate defendant's constitutional rights in
14 any way.

15 Accordingly, the Motion for Reconsideration of Motion to Suppress and For Suppression
16 of Evidence (Dkt. 129) should be DENIED.

IT IS SO ORDERED.

18 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
19 to any party appearing *pro se* at said party's last known address.

Dated this 29th day of October, 2012.

Robert F. Bryan

ROBERT J. BRYAN
United States District Judge

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